

## Complaints and Appeals Policy

### Standards & Legislation

- Standards for Registered Training Organisations (RTOs) 2015
- VET Funding Contract, associated policies and guidelines.
- Australian Consumer Law

### Scope

This policy applies to any individual or group associated with Cultura Training, including but not limited to our students, employers of our students, members of the public and Cultura's staff, trainers and other staff, volunteers and third parties providing services on behalf of Cultura Training.

### Definitions

- **Appeal** means a request for a review of decisions, including assessment decisions, made by Cultura Training or a third-party providing services on the RTO's behalf.
- **Appellant** means the person requesting that a decision made by, or on behalf of, Cultura Training is reviewed.
- **Informal Complaint** means an expression of dissatisfaction with a Cultura Training product or service
- **Formal Complaint** means a person's formal lodgment of a complaint about a Cultura Training product or service.
- **Complainant** means the person making a complaint.
- **Respondent** means a person who is called upon to issue a response to a complaint or appeal made by another.
- **Services** means training, assessment, related educational and support services and/or activities relating to enrolment.
- **Standards** means the Standards for Registered Training Organisations (RTOs) 2015 from the VET Quality Framework.
- **Training Product** means AQF qualification, skill set and unit of competency, accredited short course and/or module.
- **Training progress and support** means services necessary for the individual student to meet the requirements of the training product as specified in training packages or VET accredited courses.

### Purpose

This policy and procedure outlines Cultura Training's approach to recording, acknowledging and dealing with dissatisfaction and formal complaints and appeals fairly, efficiently and effectively.

Complaints and appeals are managed in accordance with relevant legislation, Cultura Training values and best practice principles and provide valuable feedback to improve our products and services.

### Policy Statement

Cultura Training provides all students with a complaints and appeals process, which draws on a commitment to all parties understanding their rights and responsibilities in the processes used at Cultura Training.

Cultura Training's complaints and appeals process facilitates requests for a review of decisions, including assessment decisions, made by Cultura Training or a third-party representative providing services on behalf of Cultura Training.

Cultura Training's complaints and appeals process follows the principles of natural justice and procedural fairness by allowing anyone subject to a decision by Cultura Training, or anyone who has allegations made against them, to tell their side of the story before a decision is made.

Cultura Training's process ensures that the decision-maker is independent of the decision being reviewed (for example, an assessor does not consider or decide an appeal against an assessment decision they made). If a student objects to actions taken or decisions made by Cultura Training personnel in conducting Recognition of Prior Learning and assessment services, they also have the right to lodge an appeal.

Students also have the right to lodge an appeal against competency decisions made if, they believe the outcome is invalid or they feel the process was invalid, inappropriate or unfair.

## Policy

### *Principles of this policy*

The principles of natural justice and procedural fairness are adopted at every stage of the complaint and appeal process and through this policy, Cultura Training ensures complaints and appeals:

- Are responded to in a consistent, transparent and fair manner, free from bias;
- Are responded to promptly, objectively, with sensitivity and confidentiality;
- Are able to be made at no cost to the complainant or appellant;
- Are used as an opportunity to improve – by identifying potential causes of the complaint or appeal and taking actions to prevent or reduce the likelihood of re-occurrence;
- Will not affect the student's enrolment while the complaint and/or appeal is processed and will not affect or bias any current or future training.

### *Types of complaints and appeals*

Complaints may be made in relation to any Cultura Training services and activities may involve, but are not limited to:

- Marketing information;
- Application and enrolment;  
(For example: fees, charges, facilities, personal information held, other services etc.)
- The quality of training and assessment provided;  
(For example: course selection, training resources, training delivery, assessment, awards etc.)
- Training progress and support;
- Assessment decisions, outcomes and/or results;
- Training product and services;
- Misconduct or actions of another student, Cultura Training staff member, contractor or volunteer.

Appeals should be made to request that a decision made by, or on behalf of, Cultura Training is reviewed.

Decisions may involve, but are not limited to:

- assessment outcomes / results
- acceptance into a course
- refunds
- response to a complaint
- other general decisions made by Cultura Training

### *Making an informal complaint*

Informal complaints can be made by discussing your complaint with the relevant Cultura Training staff member or Reception by phone (03) 5246 9600 or by email [training@cultura.org.au](mailto:training@cultura.org.au)

### *Making a formal complaint or appeal*

Complaints about a particular incident should be made within 90 calendar days of the incident occurring and appeals must be made within 30 calendar days of the original decision being made.

Complaints and appeals should be made in writing either via email [training@cultura.org.au](mailto:training@cultura.org.au) via the complaint & appeals form in the student handbook or through the complaints and appeals page on the Cultura Training website: <https://cultura.org.au/complaints-appeals/>

Complaints and appeals are immediately acknowledged in writing via email following submission.

When making a complaint or appeal, provide as much information as possible to enable us to investigate and determine an appropriate solution. This should include:

- The issue including; description of what happened, the affect it had and relevant dates;
- Evidence to support the complainants' case (if possible);
- If the complaint or appeal has been discussed with a staff member;
- Details about any steps already taken to resolve the issue.

### *Complaints and appeals resolution*

Relevant Cultura Training management team staff will be involved in resolving complaints and appeals as outlined in our procedure.

Where a third-party delivering Services on behalf of Cultura Training is involved, they will also be included in the process of resolving and/or responding to the complaint or appeal.

The Complainant, Appellant and/or Respondent have the option of being accompanied/assisted by a third person (such as a family member, friend or counsellor) if they so desire.

Where a complaint or appeal involves another individual or organisation, they will be given the opportunity to respond to any allegations made. They will also be advised in writing of any allegations made against them.

In the case of an assessment appeal, an assessor who is independent from the original decision will assess the original task again. The outcome of this assessment will be the result granted for the assessment task.

### *Resolution timeframes*

Complaints and appeals will be finalised as soon as feasible or at least within 20 calendar days unless there is a significant reason for the matter to take longer.

Where Cultura Training considers more than 60 calendar days are required to process and finalise the complaint or appeal, Cultura will:

- Inform the complainant or appellant in writing, including reasons why more than 60 calendar days are required; and
- Provide regular updates to the complainant or appellant on the progress of the matter.

### *Registering complaints and appeals*

Cultura Training will maintain a detailed record of all complaints and appeals and their outcomes on the Complaints Register. This register will be stored securely on the Cultura Training internal file management system, only accessible by relevant Cultura Training management.

Cultura Training will review and identify potential causes of complaints and appeals and take appropriate corrective action to eliminate or mitigate the likelihood of reoccurrence.

The information supplied will be used to review Cultura Training processes and practices through our Continuous Improvement Management Plan.

### *Independent review*

Cultura Training acknowledges the need for an appropriate independent party to be appointed to review a complaint or appeal where the internal processes have failed to find a resolution and this is requested by the complainant or appellant.

- The request notice should be in writing, addressed to the RTO Manager and/or delegate and emailed to [compliance@cultura.org.au](mailto:compliance@cultura.org.au);
- Requests for an independent external review will be acknowledged in writing.

External fees are likely to apply, and costs associated with external third-party review will be advised to the complainant or appellant for payment. Costs associated with independent parties to review a matter must be covered by the complainant/appellant unless the decision to include an independent party was made by Cultura Training.

Cultura Training will provide complete cooperation with the external party investigating the complaint/appeal and will be bound by the recommendations arising out of this process.

Cultura Training will ensure that any recommendations made are implemented within thirty (30) calendar days of being notified of the recommendations. The complainant or appellant will also be formally notified in writing of the outcome of the mediation.

### *External complaint avenues*

Complainants and appellants are able to use their own external party or the complainant or appellant can directly contact other external agencies listed below including:

#### **National Complaints Hotline**

National service for consumers to register complaints concerning vocational education and training. The service refers consumers to the appropriate agency/ authority/ jurisdiction to assist with their complaint.

Consumers can register a complaint with the National Training Complaints Hotline by:

- Calling: 13 38 73, Monday–Friday, 8am to 6pm nationally or
- Email: [skilling@education.gov.au](mailto:skilling@education.gov.au)

#### **ASQA (Australian Skills Quality Authority)**

ASQA is Cultura Training's registering body and will only use the information you provide to inform its regulatory approach and will not contact us on your behalf or act as your advocate.

- Cultura Training complaints and appeals process must be followed before making a complaint about Cultura Training to the Australian Skills Qualification Authority (ASQA)
- For more information, refer to the following webpage: <http://www.asqa.gov.au/complaints/make-a-complaint—domestic-students/make-a-complaint—domestic-students1.html>

#### **Australian Consumer Law**

Individuals have the right to take action under the Australian Consumer Law and to pursue other legal remedies.

- <https://consumerlaw.gov.au/>

### *Publication*

This policy is publicly available on our official website and the student handbook.

### **Related Documents**

- Complaints Register
- Complaints and Appeals Procedure